IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 23411 of 2003

Between:

V. Vasundhara D/o P. Janikamma,
R/o Nimmanagudem (V) Jangareddigudem (M)
West Godavari District

..... PETITIONER

AND

1 The Senior Accounts Officer, O/o The Accountant General (A&E)
Hyderabad, Andhra Pradesh
2 The District Educational Officer, West Godavari District District at

Eluru
3 The Head Master, MPP Elementary, School, Nimmanagudem(V)
Jangareddigudem (M) West Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not settling her family pension consequent upon death of my mother Janikamma who retired as headmistress in 3rd respondent school is illegal, irregular, irrational, capricious and violative of Art. 14 and 21 constitution of India and also the provisions of Revised Pension Rules and consequently direct the respondents to settle and pay family pension in the interests of justice.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

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O R D E R:

It is stated by the petitioner that her mother, Smt.Pothumudi Janakamma, retired as Headmistress from the third respondent school. But the respondents have not settled the family pension consequent upon the death of her mother. The mother of the petitioner died on 04-12-2000. Admittedly, the age of the petitioner as on 2003 was '34' years and in the year 2000 she was aged '31' years.

Under Rule 50(5)(iii) of the A.P. Revised Pension Rules, 1980, the unmarried daughter is entitled for the pension until she attains the age of 25 years or until she gets married, whichever is earlier. In view of the aforesaid Rule, though the petitioner was unmarried, she was aged '31' years as on the date of death of her mother, and, therefore, she is not entitled to any family pension. As the petitioner is not entitled for the family pension under the Rules, no relief can be granted in this writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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04-08-2004.

Lrkm.

To

1 The Senior Accounts Officer, O/o The Accountant General (A&E)

Hyderabad, Andhra Pradesh

2 The District Educational Officer, West Godavari District District at

Eluru

3 The Head Master, MPP Elementary, School, Nimmanagudem(V)
Jangareddigudem (M) West Godavari District

4. Two CCs to the Government Pleader for Education, High Court Bldgs,

High Court of A.P., Hyderabad (O.U.T)

5. 2 CD copies.